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Applicants: Kimberly M. Geiser et al. Docket No.: 17,036
Serial No.: 10/027,263 Group: 3761
Confirmation No: 3098 Examiner: Jacqueline F. Stephens
Filed: December 21, 2001 Date: April 27, 2004

For: Feminine Care Products For The
Delivery Of Therapeutic Substances

Response to Restriction Requirement Without Traverse

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed April 5, 2004, Applicants respectfully provisionally elect under paragraph 1 the Species 1 and Subspecies 2 embodiment to be prosecuted by way of the present application. As for the second set of Subspecies listed in paragraph 1, Applicants are unclear as to what is referred to by "one of species 1-5," as there are not 5 species listed herein, and respectfully ask the Examiner to clarify this statement. Pending further clarification, Applicants elect claims 2-9, 12-16, 20-32, 34-36, 38-40, 43-45, 47, 49-51, and 53-55 for prosecution in the present application if no generic claim is finally held allowable.

With respect to paragraph 2, it is unclear to Applicants whether the statement indicates a selection of species separate from that in paragraph 1, in the alternative to paragraph 1, or how these could be species distinct from those stated in paragraph 1. Applicants contend that these might be more accurately described as subspecies of the previous species election. Applicants assume the latter and respectfully provisionally elect under paragraph 2 the subspecies described in claim 12 to be prosecuted by way of the present application. Pending further clarification, Applicants amend the claim list presented above and elect claims 2-9, 12, 16, 20-32, 34-36, 38-40, 43-45, 47, 49-51, and 53-54 for prosecution in the present application if no generic claim is finally held allowable.

This election is made without traverse with respect to the species presented or alluded to by the Examiner. Applicants specifically reserve the right to seek patent protection for non-elected subject matter by divisional application, or by prosecution in the present application upon allowance of a generic claim.

The undersigned may be reached at: 920-721-8863.

Respectfully submitted,

KIMBERLY M. GEISER, ET AL.

By: 

Randall W. Fieldhack

Registration No.: 43,611

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Mary L. Roberts, hereby certify that on April 27, 2004 this document is being sent by facsimile transmission addressed to the Commissioner for Patents, Alexandria, VA via facsimile number (703) 872-9306.

By: 
Mary L. Roberts